

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
SPECIAL EXCEPTION
N/S Windsor Mill Road 134 ft. W * ZONING COMMISSIONER
of c/l Pine Avenue
7404-06 Windsor Mill Road * OF BALTIMORE COUNTY
2nd Election District
2nd Councilmanic District * Case No. 97-168-SPHX
S & W Associates
Petitioner *

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Special Exception for the property located at 7404-7406 Windsor Mill Road in northwestern Baltimore County. The Petitions are filed by Charles Strumsky, Partner of S & W Associates, property owner. Special Exception relief is requested for approval of the construction of an automobile service garage in a B.L. zone. Within the Petition for Special Hearing, the Petitioner seeks affirmation that the entire property was rezoned to B.M. in accordance with the reclassification Petition in case No. 4606-RX and the resultant zoning Orders; and that the B.M. zoning is in fact for the entire property. The subject property, existing zone lines, and the existing and proposed improvements are all more particularly shown on the plan to accompany the Petition for Special Hearing and Petition for Special Exception received as Petitioner's Exhibit No. 1.

Testimony and evidence presented at the public hearing held for this case was that the subject property is approximately .5 acres in area, split zoned B.L. and B.M. The property is roughly rectangular in shape, with frontage on Windsor Mill Road. The property is presently improved with a one story steel building used as a service garage. That building contains four service bays. The Petitioner proposes constructing a two story office building which will be attached to the existing garage and face Windsor Mill Road. The proposed two story office building will replace a smaller existing two story building which will be razed. Additionally, towards the

3/21/97
M. Park

rear and side of the property, a proposed one story garage building containing five service bays will be added. In addition to these existing and proposed improvement the site also features a large asphalt parking area.

The history of this property is significant. On July 16, 1959, in case No. 4606-RX, the County Board of Appeals granted a zoning reclassification for the property from the B.L. to a B.M., with a special exception to allow for the operation of a bus terminal. A supplemental Order was issued by the Board of Appeals on September 4, 1959, adding a condition which required approval of the site plan by the Office of Planning and Zoning. Testimony offered at the hearing was that the site has been used as a service garage in accordance with the Board's Order since 1959.

The relief which is requested in the instant case is sought alternatively. Specifically, by way of the Petition for Special Hearing, the property owner seeks an Order affirming that the entire site is zoned B.M. If that were the case, the service garage use would be permitted by right, pursuant to Section 233.2 of the Baltimore County Zoning Regulations (BCZR). In support of the Petition for Special Hearing, the Petitioner argued that the Board's Order intended for the property to be entirely zoned B.M., however, the zoning maps that were adopted thereto incorrectly replaced the zone line across the interior of the property, as opposed to on the property line. This alleged improper location of the zone line results in a split zoning of the property, with both the B.L. and B.M. zone.

In the alternative, the Petitioner seeks special exception relief for a service garage in the B.L. zone. A service garage is permitted in the B.L. zone only by special exception, pursuant to Section 230.13.

A lengthy Zoning Plans Advisory Committee (ZAC) comment was received from the Office of Planning regarding this case. That comment traced the history of the property and the Board's zoning decision in 1959. The com-

DATE 8/21/97
BY M. G. G. G.

ment also indicates that 7 maps have been adopted by the County Council since the Board's initial decision and all of the maps have consistently located the zone line across the interior of the property and not on the property line. Moreover, the Office of Planning's comment observes that Section 2-356 of the Baltimore County Code permits the Board of Appeals to change the zoning classification in the event of a finding of a mistake/error or change in condition. Moreover the zoning map correction process (see Section 26-134 of the Baltimore County Code) does not permit the "correction" of the placement of a zone line in this case. For all of these reasons, the Office of Planning states that the Petition must be denied.

I concur with the comments offered by the Office of Planning. In my judgment, the relocation of the zone line to place same along the property line can only be done by the Board of Appeals or by the County Council. The Zoning Commissioner lacks the authority to grant the relief requested in the Petition for Special Hearing in this case. Thus, the Petition for Special Hearing should and must be denied.

Notwithstanding the denial of the Petition for Special Hearing, a service garage should be permitted to operate on this property. The proposed expansion is appropriate and the historic use of the property supports the Petitioner's plan. In my judgment, the Petition for Special Exception should, therefore, be granted, permitting the Petitioner's proposed expansion onto that part of the site zoned B.L. I find that the Petitioner has satisfied the requirements of Section 502.1 of the BCZR and that there will be no detrimental impact associated with a service garage use on that site of the parcel zoned B.L. Thus, the Petition for Special Exception shall be granted, subject to the ZAC comment offered by the Development Plans Review Division.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted in part and denied in part.

IT IS THEREFORE ORDERED, by the Zoning Commissioner for Baltimore County, this 21st day of August 1997 that, pursuant to the Petition for Special Hearing, affirmation that the entire property was rezoned to B.M., in accordance with the reclassification Petition No. 4606-RX and the resultant zoning Orders, and that the zoning is in fact for the entire property, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Exception, approval to allow the construction of an automobile service garage in a B.L. zone, be and is hereby GRANTED, subject, however to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), namely, Development Plans Review Division, dated March 31, 1997, are adopted in their entirety and made a part of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

August 20, 1997

Mr. Charles Strumsky
Partner, S & W Associates
7404-06 Windsor Mill Road
Baltimore, Maryland 21207

RE: Case No. 97-394-SPHX
Property: 7404-06 Windsor Mill Road

Dear Mr. Strumsky:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception and the Petition for Special Hearing have been granted in part and denied in part.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

c: Robert S. Rosenfelt, P.E., Colbert, Matz & Rosenfelt, Inc.
3723 Old Court Road, Room 206, Baltimore, Md. 21208



| | | |
|---|---|----------------------|
| RE: PETITION FOR SPECIAL HEARING | * | BEFORE THE |
| PETITION FOR SPECIAL EXCEPTION | | |
| 7404-06 Windsor Mill Road (D & S Body & | * | ZONING COMMISSIONER |
| Fender), N/S Windsor Mill Road, | | |
| 134' W of c/l Pine Avenue | * | OF BALTIMORE COUNTY |
| 2nd Election District, 2nd Councilmanic | * | CASE NO. 97-394-SPHX |
| S & W Associates | | |
| Petitioners | * | |

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

HRE. DATE
MON. 4/21
4/21 for

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of April, 1997, a copy of the foregoing Entry of Appearance was mailed to Robert S. Rosenfelt, P.E., Colbert, Matz, Rosenfelt, Inc., 3723 Old Court Road, #206, Baltimore, MD 21208, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 7404-06 Windsor Mill Road

which is presently zoned BL & BM

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

97-394-Split X A

Construction of an auto service garage in a BL zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

Charles Strumsky, Partner

S & W Associates

(Type or Print Name)

Charles Strumsky Partner

Signature

(Type or Print Name)

Signature

7404-06 Windsor Mill Road (410) 655-4118

Address

Phone No.

Baltimore, MD

21207

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert S Rosenfelt, P.E.

Colbert Matz Rosenfelt, Inc.

Name

3723 Old Court Rd #206

Address

Phone No.

Baltimore, MD 21208 410-653-3838

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: JRF

DATE

3/14/97



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7404-06 Windsor Mill Road

which is presently zoned BL & BM

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Affirmation that the entire property was rezoned to BM in accordance with Reclassification Petition 4606-RX and the resultant zoning orders and that the zoning is intact for the entire property.

97-394-SPHXA

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

Charles Strumsky, Partner

S & W Associates

(Type or Print Name)

Charles Strumsky Partner

Signature

(Type or Print Name)

Signature

7404-06 Windsor Mill Road (410) 655-4118

Address

Phone No

Baltimore, MD 21207

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Robert S Rosenfelt, P.E.

Colbert Matz Rosenfelt, Inc.

Name

3723 Old Court Rd #206

Address

Baltimore, MD 21208

Phone No

410-653-3838

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: JRF

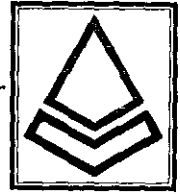
DATE

3/14/97

394

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



97-394-SPTXA

ZONING DESCRIPTION

Beginning at a point on the north side of Windsor Mill Road, which is 60 feet wide, at the distance of 134 feet, more or less, west of the centerline of Pine Avenue, which varies in width. Thence the following courses and distances:

North 60°12'27"West, 130.03 feet;
North 32°36'30"East, 161.68 feet;
South 55°21'06"East, 129.91 feet; and
South 32°35'26"West, 150.67 feet to the place of beginning.

As recorded in Deed Liber 8591, Folio 238. Containing 0.47 acres, more or less. Also known as 7404-06 Windsor Mill Road and located in the 2nd Election District.



394

BAITIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 026730
97-394-SPHXA

DATE 3-14-77 ACCOUNT E-001-615-000

AMOUNT \$ 550.00

RECEIVED FROM: Colbert, Matz, Rosenfelt Inc.

040 SPH - 250 -

050 X - 300 -

ITEM# 394

FOR:

Taken by: JEF

7404-06

03A9140235MICHRC

1550.00

BY 00235MICHRC 04147901

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CERTIFICATE OF POSTING

RE: Case No.: 97-394-SPHXA

Petitioner/Developer: S&W, ASSOC.
C/O RICHARD MATZ

Date of Hearing/Closing: 4/21/97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at # 7404-06 WINDSOR
MILL RD.

The sign(s) were posted on

4/4/97
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 4/5/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

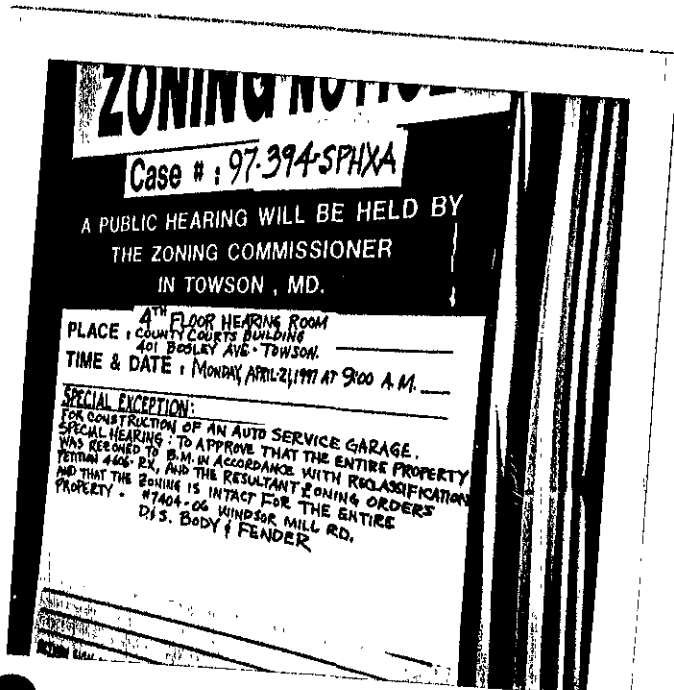
Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

Pager (410) 646-8354

(Telephone Number)



97-394 SPHXA
#7404-06 WINDSOR MILL RD.
H.R.G. 4/21/97 @ 9:00 AM.

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-394-SPH XA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: CONSTRUCTION OF AN AUTO SERVICE
GARAGE IN A B.L. ZONE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-394-SPHXA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: Affirmation that the entire property was
rezoned to B-M in accordance with Reclassification
petition 4606-EX & the resultant zoning orders
and that the zoning is intact for the entire
property.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PUTTICKET PUBLISHING COMPANY
March 27, 1997 Issue - Jeffersonian

Please forward billing to:

Robert S. Rosenfelt, P.E.
Colbert Matz Rosenfelt, Inc.
3723 Old Court Road #206
Baltimore, MD 21208
653-3838

97-394-SPHXA

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-394-SPHXA
7404-06 Windsor Mill Road
D & S Body & Fender
N/S Windsor Mill Road, 134' W of c/l Pine Avenue
2nd Election District - 2nd Councilmanic
Legal Owner(s): S & W Associates

Special Exception for construction of an auto service garage.
Special Hearing to approve that the entire property was rezoned to B.M. in accordance with reclassification petition 4606-RX and the resultant zoning orders and that the zoning is intact for the entire property.

HEARING: MONDAY, APRIL 21, 1997 at 9:00 a.m., 4th floor hearing room, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

97-394-SPHXA

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 21, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-394-SPHXA
7404-06 Windsor Mill Road
D & S Body & Fender
N/S Windsor Mill Road, 134' W of c/l Pine Avenue
2nd Election District - 2nd Councilmanic
Legal Owner(s): S & W Associates

Special Exception for construction of an auto service garage.

Special Hearing to approve that the entire property was rezoned to B.M. in accordance with reclassification petition 4606-RX and the resultant zoning orders and that the zoning is intact for the entire property.

HEARING: MONDAY, APRIL 21, 1997 at 9:00 a.m., 4th floor hearing room, County Courts Bldg., 401 Bosley Avenue.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a large, sweeping "J" and "A".

Arnold Jablon
Director

cc: Charles Strumsky/S & W Associates
Robert S. Rosenfelt, P.E.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 6, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 18, 1997

Mr. Charles Strumsky
S & W Associates
7404-06 Windsor Mill Road
Baltimore, MD 21207

RE: Item No.: 394
Case No.: 97-394-SPHXA
Petitioner: Charles Strumsky

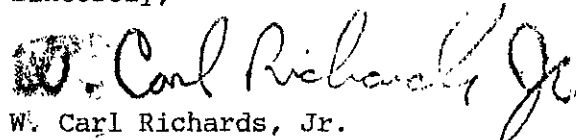
Dear Mr. Strumsky:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 14, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and Development Management

DATE: March 25, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 7404-06 Windsor Mill Road

INFORMATION:

Item Number: 394

Petitioner: Charles Strumsky, Partner S & W Associates

Property Size:

Zoning: BI & BM

Requested Action: Special Exception & Special Hearing

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The applicant requests a special hearing to affirm that the entire property was rezoned to BM in accordance with the Reclassification Petition in Case No. 4606-RX, and that the zoning is intact for the entire property pursuant to the Board of Appeals Order.

Case No. 4606-RX dates back to 1959. Since that time, seven Comprehensive Zoning Maps have been adopted by the Baltimore County Council, and each map shows the line in question to be located precisely in the same location. Any action taken prior to the adoption of the first Comprehensive Zoning Map Process (1971), should have no impact on the County Council's authority to impose a particular zone on a particular property. Changing the zoning of a parcel of land pursuant to a Board of Appeals action predating a particular Comprehensive Zoning Map Process would usurp the authority of the County Council.

Section 2-356 of the Baltimore County Code (see attached) gives the Board of Appeals the authority to change the zoning classification of a property after the Board has found that either a substantial change in the character of the neighborhood has taken place or that the County Council made an error when the property was last reclassified. If the applicant believes that the County Council made an error as part of the 1971 CZMP and that error was perpetuated on every subsequent map, then the applicant should file a Cycle Zoning Petition in an effort to correct the zoning on the property.

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. 'Pat' Kerner, III, Director, PO

Office of Planning staff have met with the applicant's representative in an effort to explain why the zoning of the property cannot be corrected through the Zoning Map Correction Process (see Section 26-134 of the Baltimore County Code attached). The Zoning Map Correction process permits corrections in situations where the map last enacted by the County Council does not accurately reflect the final zoning classification imposed by the council on a property during the last or prior comprehensive zoning map process. A review of the maps maintained in the zoning office reveals that a drafting error did occur sometime after the Board's 1959 decision; however, since this error predated the Council's involvement in the adoption of the zoning maps, the Zoning Map Correction Process cannot be utilized to correct the error.

Based upon a review of the County Code, it appears to this office that it would be inappropriate to conclude by way of a special hearing that the zoning of the property should be determined based upon the Order in Case No. 4606 RX. Clearly, the 1996 Comprehensive Zoning Map is the only document that can be used to determine the zoning of the subject property.

Staff does not oppose the requested special exception.

Prepared by:

Jeffrey M. Lutz

Division Chief:

Carol Kerner

AFK/JL:lsn

ITEM394/PZONE/ZAC1

INTEROFFICE CORRESPONDENCE

Date: March 31, 1997

SUBJECT: Zoning Advisory Committee Meeting
for March 31, 1997
Item No. 394

Site subject to the Department of Public Works' (DPW) Standard Plate R-32 - Commercial Entrance.

cc: File

ZONE331.394



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 3-21-97
Item No. 334 JRF

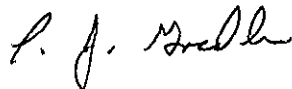
Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 3/25/97

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: March 24, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

379

388

381

389

382

390

383

393

385

394

387

RBS:sp

BRUCE2/DEPRM/TXTSBP

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

April 1, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: S & W Associates

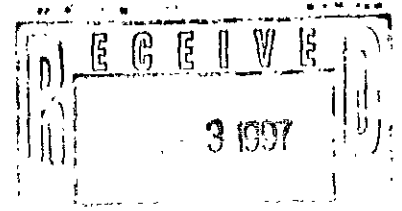
Location: DISTRIBUTION MEETING OF March 24, 1997

Item No.: 394 Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4681, M5-1102F

cc: File



#388 --- JLL

1. Sign form is incomplete/incorrect.
2. No practical difficulty or hardship on petition form.
3. No description on folder.
4. No zoning on folder.
5. No acreage on folder.
6. No election district on folder.
7. No councilmanic district on folder.

#389 --- JLL

1. Sign form is incomplete/incorrect.
2. No practical difficulty or hardship on petition form.

#390 --- MJK

1. Sign form is incomplete/incorrect.
2. No telephone number for legal owner.

#391 --- CAM

1. No review information on bottom of petition form.
2. Area listed on folder - acres, square feet, what?

#392 --- CAM

1. No review information on bottom of petition form.

#394 --- JLL

1. Sign form is incomplete/incorrect.

PETITION PROBLEMS

97-394-SPHX A

#378 --- MJK

1. Sign form is incomplete/incorrect.

#379 --- JLL

1. Sign form is incomplete/incorrect.

#380 --- RT

1. Folder says zoning is D.R.-3.5; petition says zoning is D.R.-5.5 -- Which is correct?

#382 --- CAM

1. Need printed or typed title and authorization of person signing for legal owner.
2. Need printed name and title and authorization of person signing for contract purchaser.
3. No review information on bottom of petition form.

#385 --- MJK

1. Sign form is incomplete/incorrect.
2. No description on folder.
3. No zoning on folder.
4. No acreage on folder.
5. No election district on folder.
6. No councilmanic district on folder.
7. Plan is illegible.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

97-541
4/2

TO: Arnold Jablon, Director
Department of Permits and Development Management

DATE: March 25, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 7404-06 Windsor Mill Road

INFORMATION:

Item Number: 394

Petitioner: Charles Strumsky, Partner S & W Associates

Property Size:

Zoning: BL & BM

Requested Action: Special Exception & Special Hearing

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The applicant requests a special hearing to affirm that the entire property was rezoned to BM in accordance with the Reclassification Petition in Case No. 4606-RX, and that the zoning is intact for the entire property pursuant to the Board of Appeals Order.

Case No. 4606-RX dates back to 1959. Since that time, seven Comprehensive Zoning Maps have been adopted by the Baltimore County Council, and each map shows the line in question to be located precisely in the same location. Any action taken prior to the adoption of the first Comprehensive Zoning Map Process (1971), should have no impact on the County Council's authority to impose a particular zone on a particular property. Changing the zoning of a parcel of land pursuant to a Board of Appeals action predating a particular Comprehensive Zoning Map Process would usurp the authority of the County Council.

Section 2-356 of the Baltimore County Code (see attached) gives the Board of Appeals the authority to change the zoning classification of a property after the Board has found that either a substantial change in the character of the neighborhood has taken place or that the County Council made an error when the property was last reclassified. If the applicant believes that the County Council made an error as part of the 1971 CZMP and that error was perpetuated on every subsequent map, then the applicant should file a Cycle Zoning Petition in an effort to correct the zoning on the property.

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. 'Pat' Keller, III, Director, PO

Office of Planning staff have met with the applicant's representative in an effort to explain why the zoning of the property cannot be corrected through the Zoning Map Correction Process (see Section 26-134 of the Baltimore County Code attached). The Zoning Map Correction process permits corrections in situations where the map last enacted by the County Council does not accurately reflect the final zoning classification imposed by the council on a property during the last or prior comprehensive zoning map process. A review of the maps maintained in the zoning office reveals that a drafting error did occur sometime after the Board's 1959 decision; however, since this error predated the Council's involvement in the adoption of the zoning maps, the Zoning Map Correction Process cannot be utilized to correct the error.

Based upon a review of the County Code, it appears to this office that it would be inappropriate to conclude by way of a special hearing that the zoning of the property should be determined based upon the Order in Case No. 4606 RX. Clearly, the 1996 Comprehensive Zoning Map is the only document that can be used to determine the zoning of the subject property.

Staff does not oppose the requested special exception.

Prepared by:

Jeffrey M. Long

Division Chief:

Carol Kerns

AFK/JL:lsn

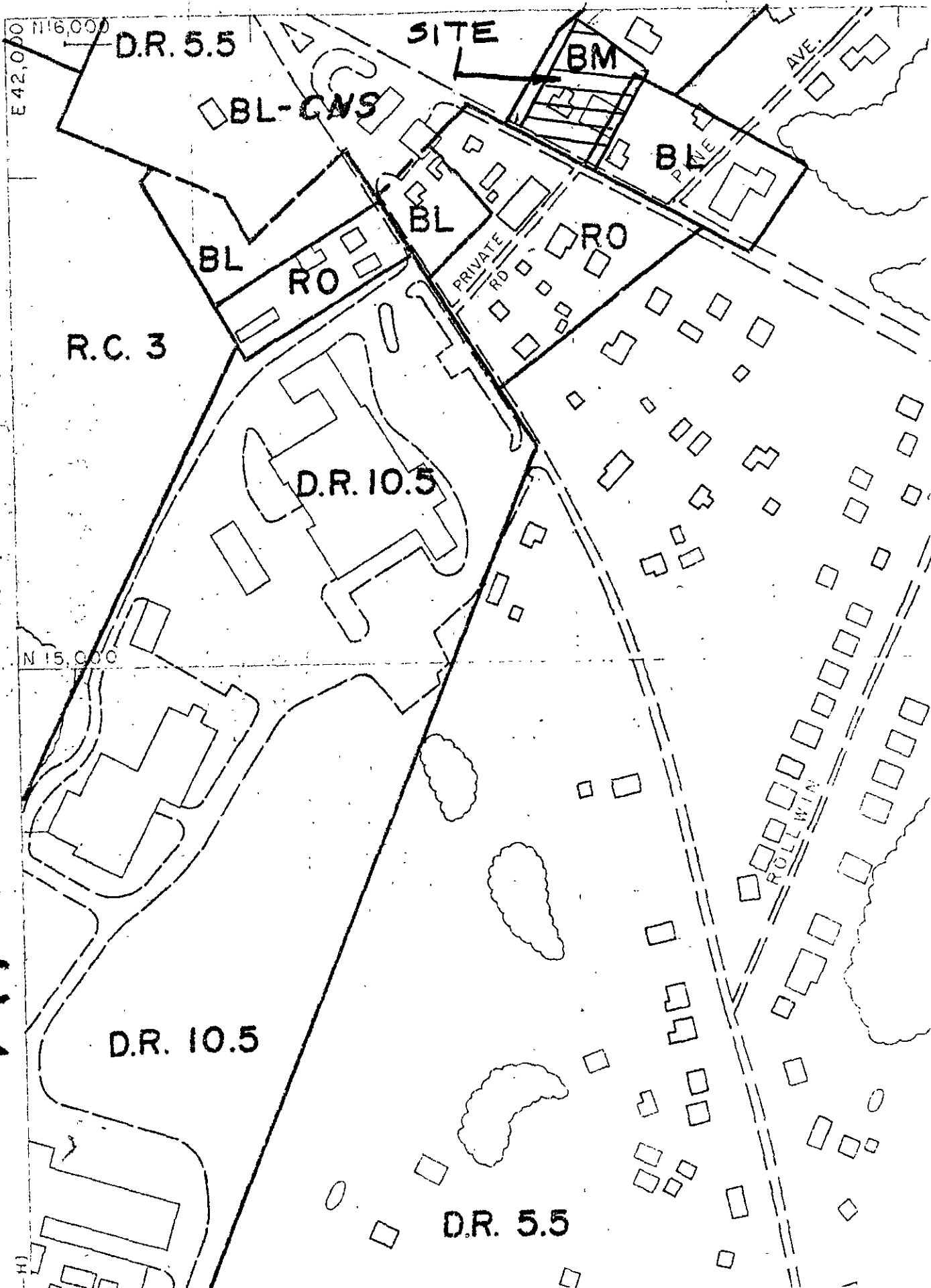
ITEM394/PZONE/ZAC1

394

N.W. 4-G

1" = 200'

07-394-SPHX A



CERTIFICATE OF PUBLICATION

97-394-SPHXA

TOWSON, MD., March 27, 1977

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 27, 1977.

THE JEFFERSONIAN,

A. Henikson

LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the following proposed rezoning:

Case 97-394-SPHXA
7500 N. Windsor Mill Road
D & S Body & Trailer
N/S Windsor Mill Road, 134'
W of of Pine Avenue
2nd Election District
2nd Councilmanic

Legal Owner(s):
S & W Associates
Special Exception: for construction of an auto service garage. Special Hearing: to approve that the entire property was rezoned to B.U.M. in accordance with reclassification petition 4606-RX and the resultant zoning orders and that the zoning is intact for the entire property.
Hearing: Monday, April 21, 1977 at 9:00 a.m., 4th floor hearing room, County Courts Bldg., 401 Susquehanna Ave.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the File and/or Hearing, Please Call 887-3391.

3/25/77 March 27 C130080

SECTION AVERAGES
WINDSOR PROPERTIES
10.5 + 34.5 = 45 / 2 = 22.5

| STREETS | REQUIRED | PROVIDED |
|---------|----------|--------------------------|
| Front | 22.5 | 20.5 (from Old P/W Line) |
| Side | 0 | 0 |
| Back | 0 | 2 |

NOTES

Owner/Developer: S & W Associates
7404-06 Windsor Mill Road
Baltimore, Md. 21207

Site Data: Tax Account No. 030557372
8597777777
Site Area: 11,780 sq. ft. (0.6 ac.)
Net - 20,280 sq. ft. (0.47 ac.)

Previous Commercial Permit: 8280434

Zone: B-1 and B-2 - Single Map N.W. 4-C

Proposed Floor Area: Ex. Garage: 2,381 sq. ft.
Prop. Garage: 2,400 sq. ft.
Total: 4,781 sq. ft.

Proposed F.A.Z.: 0.45

Required F.A.Z.: 0.45

On-Street Parking Calculations:

Required Parking - 30 spaces @ 3.3 spaces/1,000 sq. ft.

Proposed Parking - 34 spaces inc. 4 service bays

On July 31, 1995, the DRC granted a Limited Exemption for construction of an office building on the site. On February 24, 1997, the DRC approved a Limited Exemption for construction of an office building and a 6-bay garage.

On July 18, 1998, in Case No. 4008-RK, the County Board of Appeals granted the recommendation of the property from a B-1 Zone to a B-2 Zone with a special use exception for construction of an office building and a 6-bay garage.

On September 5, 1998, added a condition requiring approval of a site plan by the Office of Planning and Zoning.

COMING ORDER - CASE NO. 4008-RK

For the reasons set forth in the foregoing opinion, it is the 19th day of July, 1999, by the County Board of Appeals ORDERED that the recommendation of the above property is hereby granted from a B-1 Zone to a B-2 Zone with a special use exception for construction of an office building and a 6-bay garage.

Any appeal from this decision must be in accordance with Rule No. 11 of the Rules of Practice and Procedure of the Court of Appeals of Maryland.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

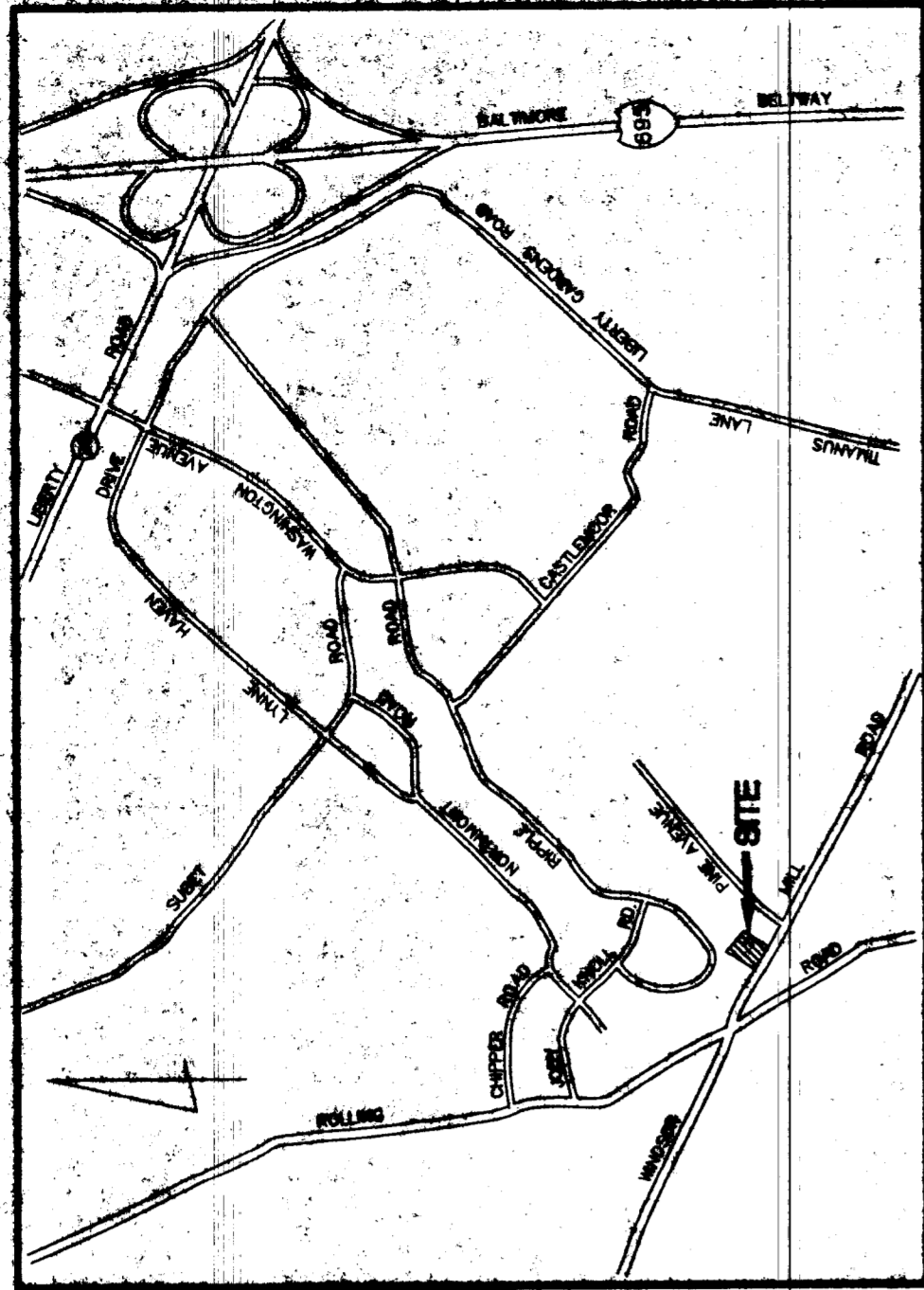
SUPPLEMENTAL ORDER - CASE NO. 4008-RK

The previous Order passed by the Board in the above matter, is hereby amended to read as follows:

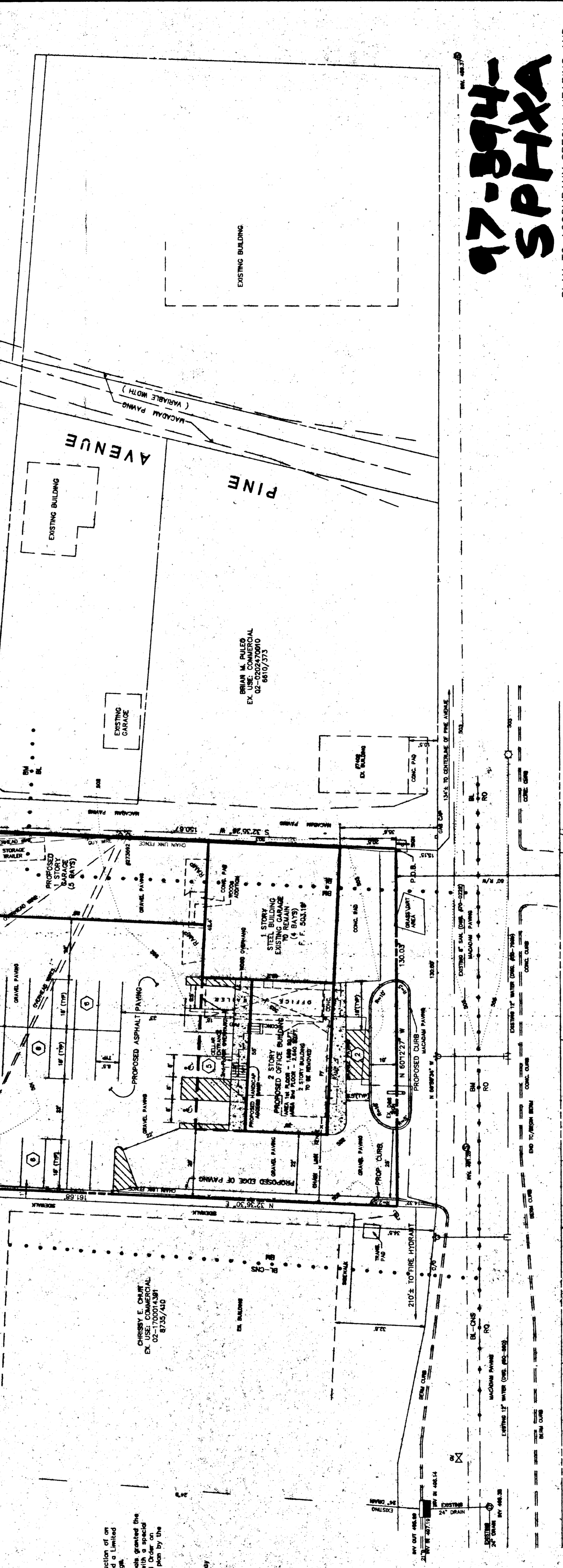
Ordered that the recommendation of the above property is hereby granted from a B-1 Zone to a B-2 Zone with a special use exception for construction of an office building and a 6-bay garage.

Office of Planning and Zoning, contact an independent evaluation in the original Order as it was the Board's intention that the restriction be included in the first instance. Council for both sides have stipulated in this respect.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



VICINITY MAP
SCALE: 1" = 100'



WINDSOR MILL ROAD

ROAD

ROAD

ROAD

ROAD

ROAD

ROAD

ROAD

ROAD

ROAD

ROAD

ROAD

ROAD

Colbert Matz Rosentfeld, Inc.
Engineers & Surveyors & Planners
3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone: (410) 653-3638
Facsimile: (410) 653-7953

JO # 95080.1

ELECTION DISTRICT No. 2c2 BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20'

DATE: MARCH 13, 1997
JOB NO. 95080.1
DESIGNED: DRH
DRAWN: MEY / DRH
CHECKED: JAF / LJC
FILE: 95080.DWG
NUMBER

NO. DATE REVISIONS BY SHEET 1 OF 1

EXISTING SIGN DETAIL
NOT TO SCALE

DOUBLE-SIDED SIGN
30 SQ. FT. PER SIDE

6'-5"

D & S
BODY & FENDER
Windson
TOWING
Damage-free

7401 EXISTING BUILDING
7403 EXISTING BUILDING
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